



Capital Transit Coalition Transit Governance in the Helena Region

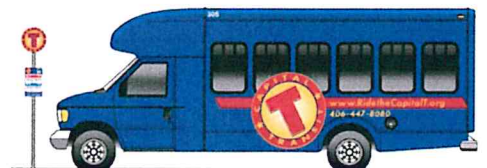
A Governance Authority that Reflects Area and Ridership Served

In Montana, transit systems are governed by various methods (models). According to a Regional Governance Model Analysis by The Small Urban and Rural Livability Center, completed in 2014, the current governance model for the Helena Area Transit Service (HATS) may not be the best model to meet the current or long term needs of the Helena Area region. HATS currently operates under a model whereby the City of Helena is the lead agency, a **Municipal Model**. Below we outline the various models used in Montana, where they are used, and implications for Helena. On the 2nd page we show the Governance Analysis findings on strengths and weaknesses for all models.

Transit Authority Models

- **Municipal Model (Helena's current model)**- Transit services operated by municipalities (cities) are specifically regulated in Montana by Montana Code Annotated (MCA) 7-14-4401 through 7-14-4405 (Appendix A). Of specific note on the operational side, transportation of passengers cannot exceed 8 miles of city limits. *Other MT example: MET System in Billings*
- **County Model** - A public transportation system operated by a county has similar strengths and weaknesses as a municipal (city) system. One important difference, however, is that a county governed public transit system is not limited to a specific distance for its transit routes. *Other MT example:: Eagle Transit in Flathead County*
- **Joint Powers (City-County) Authority Model** - Cities and Counties will sometimes create a joint powers agreement to cooperatively fund and work together on a mutual issue. It is possible that such a joint powers agreement could be created to fund and operate a public transportation system that would benefit both a city and a county, and possibly areas outside of the county. It is anticipated that a transit system operated through a joint powers agreement would have the financial stability of a municipal bus system, but would likely not have the distance limitation. *Other MT example: Butte-Silver Bow Transit*

Information provided by The Small Urban and Rural Livability Center,
Western Transportation Institute, Montana State University



- **Urban Transportation District Model** - UTDs, sometimes referred to as Urban Transit Districts, are governed by a Board of Directors. One benefit of a UTD is that it has the authority to levy property taxes for the operation and maintenance of a transit system. There is no restriction on the distance transit services operated by a UTD can travel, although MCA 7-14-221 notes, “The district shall primarily serve the residents within the district boundaries but may authorize service outside the district boundaries where deemed appropriate.” A UTD, therefore, can have the financial stability of a municipal system, while not having the limit on the distance of transit services. Another benefit of a UTD is that it is solely focused on public transportation (transit) services. *MT examples: Big Sky Transportation District (Skyline); Dawson County Urban Transportation District (Glendive); Great Falls Transit District; and Missoula Urban Transportation District (Mountain Line).*
- **Transportation Improvement Authority Model** - Although not specifically noted for the operation of a transit system or transit services, a Transportation Improvement Authority (TIA) under Montana Code (MCA 7-14-1001) has the purpose to, “... blend the interests of local, state, and federal governments with the interests of the general public and the business community to build, modify, or improve transportation facilities and systems within its jurisdiction.” Similar to a UTD, Montana Code (MCA 7-14-1002) notes the composition of a Board that administers the TIA. MCA 7-14-1004 notes some of the funding and other powers of the TIA. A TIA is one model, similar to a Joint Powers Authority or a UTD that could administer (operate) a public transportation system. *MT example: None. Helena’s Airport is run by an authority.*
- **Non-Profit Model** - The majority of public transportation systems in Montana are administered by a non-profit. This is to say that the lead agency for these transit systems is a non-profit agency or organization. In some cases, the non-profit is an area Agency on Aging. In other cases, the non-profit lead agency is a private non-profit. *MT examples: Majority of MT systems.*

Table 1: Relative Strengths of Various Governance Models

Model Attribute	Municipal	County	Joint Powers	UTD	TIA	Non-Profit
Distance Restriction	✓	N/A	N/A	N/A	N/A	N/A
Taxing Authority	+	+	N/A	+++	+	N/A
Financial Capacity	+++	+++	+ to +++	+++	+ to +++	+ to +++
Administrative Capacity	+ to +++	+ to +++	+++	+++	+ to +++	+ to +++
Fundraising (donations)	+	+	+	+	+	+++
Decision Timing	+	+	+ to +++	+++	+ to +++	+++
Cooperation & Collaboration	+	+	+ to +++	+	+ to ++	+++
Focus on Transit	+ to ++	+ to ++	+ to +++	+++	++	+ to +++

Based on interviews with Helena stakeholders, review of local transportation data, and analysis of alternative Transportation Authority Systems, Western Transportation Institute found that the Non-Profit Model, followed by the Transportation Improvement Authority Model or Urban Transportation District Model would be well suited for the Helena Area Region’s Transit Service operations.

Lewis and Clark County Resolution Number

City of Helena Resolution Number

City of East Helena Resolution Number

WHEREAS, Lewis and Clark County, the City of Helena, and the City of East Helena deem it to be in their best interests to create a Transportation Improvement Authority, a separate public body, corporate and politic, to be known as the Greater Helena Area Transit Authority, for the purpose of blending the interests of local, state, and federal governments with the interests of the general public and the business community, when building, modifying, and improving transportation facilities and systems, all in accord with MCA §§ 7-14-1001 through 7-14-1007;

BE IT RESOLVED, that there is hereby created a public body, corporate and politic, to be known as the Greater Helena Area Transit Authority.

BE IT FURTHER RESOLVED that this Transportation Improvement Authority will be governed by a board of commissioners with eleven commissioners appointed as follows:

Two Lewis and Clark County employees appointed by the County;

Two public members appointed by the County;

Two City of Helena employees appointed by the City of Helena;

Two public members appointed by the City of Helena;

One City of East Helena employee appointed by the City of East Helena;

One public member appointed by the City of East Helena; and

One member appointed by the Governor of the State of Montana.

The commissioners must be residents of Lewis and Clark County and the jurisdiction they represent. Preference should be given to those that are users of the transit system, are disabled, and/or are seniors. The Commissioners will hold office for three-year staggered terms and until a successor is appointed and qualified. Compensation, if any, for commissioners, will be determined by a vote of a majority of the commissioners.

BE IT FURTHER RESOLVED that the following persons will be appointed as the initial members of the Greater Helena Area Transit Authority:

By the Board of County Commissioners

(county employee)

(county employee)

(public member)

(public member)

By the City of Helena

(city employee)

(city employee)

(public member)

(public member)

By the City of East Helena

(city employee)

(public member)

By the Governor of the State of Montana

(Governor appointee)

BE IT FURTHER RESOLVED that the powers of the Greater Helena Area Transit Authority are vested in the commissioners. The commissioners will meet within 30 days after the approval of this joint resolution by all the political subdivisions subscribing hereto, The commissioners will elect one of their members as a presiding officer and one of its members as a vice presiding officer.

BE IT FURTHER RESOLVED that Lewis and Clark County, the City of Helena, and the City of East Helena, Montana, do hereby grant to the Greater Helena Area Transit Authority the general powers of a Transportation Improvement Authority as provided in MCA §§ 7-14-1001 through 7-14-1007.

Passed by the Board of Commissioners of Lewis and Clark County, Montana, this ____ day of ____ 2016.

Passed by the City Commissioners of the City of Helena, Montana, this ____ day of ____ 2016.

Passed by the City Council Members of the City of East Helena, Montana, this ____ day of ____ 2016.

SIGNATURE BLOCK

Articles of Incorporation
Greater Helena Area Transit Authority
A transportation improvement authority

FIRST: The name of the transportation improvement authority is the Greater Helena Area Transit Authority (Authority).

SECOND: The Authority's principal office is located is the City of Helena, Lewis and Clark County, Montana.

THIRD: Steve Larson will act as the initial registered agent.

FOURTH: This Authority was established by joint resolution adopted by Lewis and Clark County, the City of Helena, and the City of East Helena. The purpose of the Authority is to blend the interests of local, state, and federal governments with the interests of the general public and the business community by building, modifying, and improving transportation facilities and systems within the various jurisdictions.

FIFTH: The names and address of the first commissioners of the Authority are as follows:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.

The area served by the Authority may expand to serve one or more additional counties or municipalities if each additional county and municipality, and each county and municipality already a part of the Authority, and this Authority adopt a joint resolution,

SIXTH: Dissolution. After provisions have been made for the retention or disposition of the Authority's assets and liabilities, the Authority may be dissolved if the Authority, Lewis and Clark County, the City of Helena, and the City of East Helena consent to the dissolution.

SEVENTH: Commissioners. (1) The powers of the Authority are vested in its commissioners. A majority of the commissioners constitute a quorum. Action may be taken by the Authority upon a vote of a majority of the commissioners present.

(2) The Authority must elect a presiding officer and vice presiding officer from among its commissioners. The Authority must employ or must execute an agreement with a jurisdiction to employ an Executive Director or Manager/Coordinator. The Authority may employ other personnel as necessary. The Authority will determine the qualifications, duties, and compensation of the employees.

(3) A Commissioner will hold office until a successor is appointed as provided by MCA § 7-14-1002(2). The certificate of appointment must be filed with the Authority and with the Lewis and Clark County Clerk and Recorder.

EIGHTH: Cooperation of counties and municipalities. Counties and municipalities may:

1. Lend or donate money to the authority;
2. Transfer all appropriate funds to the authority as the funds become available;
3. Furnish facilities and improvements
4. Dedicate, sell, convey, and lease any interest in property or grant any easement, license, or other right and privilege to the Authority;
5. Do all things not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with the Authority in the planning, construction, and operation of transportation facilities; and

NINTH: General Powers of the Authority. The Authority has all the powers necessary to carry out the purposes of MCA § 7-14-1001 through 7-14-1007, including the power to:

1. Sue and be sued;
2. Have a seal;
3. Have perpetual succession;
4. Execute contracts and other instruments and take other actions as may be necessary to carry out the purposes of MCA § 7-14-1001 through 7-14-1007;
5. Receive and disburse federal, state, and other public and private funds made available by grant, loan, contribution, or other source.
6. Acquire by purchase, gift, devise, lease, or otherwise, real and personal property or any interest in the property; and
7. Sell, lease, and otherwise dispose of real and personal property acquired pursuant to MCA § 7-14-1001 through 7-14-1007.

TENTH: Rules. (1) The Authority may adopt, amend, and repeal resolutions, rules, and orders as it considers necessary.

(2) The authority will keep a copy of its rules on file for public inspection at the principal office of the Authority.

ELEVENTH: Liability of Commissioners. The commissioners of the Authority shall not be liable for monetary damages for breach of the commissioners' duties except for acts or omission not in good faith, for acts and omissions involving intentional misconduct or a knowing violation of law, and for any transaction from which a commissioner receives an improper personal economic benefit.

TWELVETH: Other. The Authority will adopt bylaws. The bylaws can be amended as provided in the bylaws.